REGULAR MINUTES
Tulsa Development Authority Board of Commissioners
Regular Meeting

One Technology Center
175 East 2nd Street
Tulsa, OK 74103
10th Floor South Conference Room

Thursday – March 13, 2014
8:30 a.m.

Present:
Julius Pegues, Chairman
Carl Braey, Commissioner
Steven Mitchell, Commissioner
Roy Peters, Commissioner
Nancy Roberts, Commissioner
O.C. Walker II, Executive Director
Jot Hartley, General Counsel

Absent:

Also Present:
Roger Acebo
Kevin Anderson
Andrew Coffey
JW Custers
Leon Davis
Byron DeBruler
Yvonne Hovell
Brandon Jackson
Norman Kildow
Steve Larry

Also Present:
Lottie Nealy
Mike Thedford
Delise Tomlinson
Kathleen Watson
Natasha Bunch
Carol Young

The regular meeting was called to order at 8:30 a.m. by Chairman Pegues. A quorum was established. The Agenda will be followed as printed. Reports and supporting documentation were distributed for this meeting and will be incorporated by reference to the minutes and filed with the meeting packet.

1. Roll Call: A quorum was established.

2. Routine, Repetitive Items for Action:

   a. Minutes of February 6, 2014 Work Study Meeting
   b. Minutes of February 6, 2014 Work Study, Executive Session
   c. Minutes of February 13, 2014 Regular Meeting
   d. Minutes of February 13, 2014 Regular Meeting, Executive Session

1
Commissioner Bracy moved to approve the minutes, Agenda Items 2. a., b., c. and d.; seconded by Commissioner Peters. The vote was recorded as follows:

Ayes: Pegues, Bracy and Peters
Nays: None

The motion passed unanimously.

f. January 2014 - Comparative Financial Statements
g. January 2014 - Program Income Report Fund No. 5540

Commissioner Peters moved to approve Resolution No. 5934: Tulsa Development Authority Financial Reports for January 2014, Program Income Report for Fund No. 5540, and the Comparative Financial Statements. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Peters & Mitchell
Nays: None

The motion passed unanimously.

Commissioner Steve Mitchell entered the meeting at 8:40 a.m.
Commissioner Nancy Roberts entered the meeting at 8:45 a.m.

3. Receive: Executive Director's Monthly Report. Executive Director Walker highlighted the following items:

a. Project Status Update

1. Tulsa Urban Development Group, LLC, d/b/a Urban8: Ground Breaking Ceremony was held on Friday, February 14, 2014. The event was coordinated between the Tulsa Metro Chamber, City of Tulsa, and Tulsa Development Authority. The Plat Record was filed with the Tulsa County Clerk on February 25, 2014. Executive Director Walker met with City of Tulsa staff to resolve waterline concerns. Abstracts have been reviewed and returned to storage. Subject property is scheduled to close in April 2014. [Location of the property: North of 3rd Street, between Greenwood Avenue and Kenosha Street.]

2. Hartford Commons, LLC: Phase II of an Environmental Analysis was completed on December 11, 2013 and in “Conclusion,” there are no environmental concerns for the property and further evaluation is deemed unnecessary at this time. The City Council reviewed and approved a final Plat for the Third and Greenwood Addition on Thursday, February 6, 2014. Chairman Pegues has signed the Survey of Final Plat. Construction documents/specifications are being prepared for submittal to the City of Tulsa as part of the application process required for a building permit. The Hartford Commons Developer has decided not to seek HUD funding. Their plan is to
use a more conventional loan process requiring rental rates to be adjusted to meet market rate values. They are in the final stages of negotiating an Agreement with TDK Construction Company. Project valuation is $21 million. [Location of property: SE corner of Greenwood Ave. and E. 2nd St.]

3. **100 Boulder, formerly Maplevue Associates, Inc.:** The Water and Sanitary Sewer lines have been installed, tested and released. Rough grading has also been completed for the building pad. Footing for the building is being poured. Completion date is September 2014. Manhattan Construction is the builder for this project. [Location of the property: SW Corner of 1st St. and Boulder Ave.]

4. **Fire Station No. 1:** CORE Associates has been approved for a ninety (90) day extension to complete their Due Diligence process. The City of Tulsa filed a District Court action through Tulsa Development Authority to permanently vacate 5th Street in order to get merchantable title. Schematic drawings will be submitted for the May 1, 2014 Tulsa Development Authority Work Study Session. [Location of the property is 114 S. Elgin.]

5. **Hogan on Greenwood, LLC:** Hogan on Greenwood, LLC plans to present construction drawings and specifications to the Tulsa Development Authority Board of Commissioners for review at the April Work Study session. Hogan will apply for a building permit upon Tulsa Development Authority’s approval of the construction drawings and specifications. Hogan’s desire is to close in April 2014. Title requirements issued by Fidelity National Title Insurance Company have been satisfied by Tulsa Development Authority. Tulsa Development Authority is required to convey a merchantable title under the terms of this Contract. [Location of property: NE Corner of South Greenwood Ave. and East 1st Street.]

6. **Wilkins Project:** Tulsa Development Authority received a letter from Jenks Law, P.L.L.C. dated February 26, 2014 regarding the subject property. Resolution No. 5921 approved in January 2014 provided a ninety (90) day contract extension. The Developer is working closely with Marriott to finalize their franchise agreement. The next phase will involve detailed work on the site plans between the developer and Marriott Architecture and Construction Division. This will allow the franchise agreement to be finalized. [Location of property: NW corner of Archer and Elgin Ave.]

7. **The Flats on Archer:** Resolution No. 5929 approved a sixty (60) day extension to complete due diligence phases. The extension was requested to complete the following: Environmental survey, determine building materials, and facilitate agreement for Mutual Access Easement between adjoining property owners. [Location of property: 110 N. Boston Ave.]

8. **Computer Equipment Updates:** Computers have been delivered and installed. Peak Uptime facilitated installation and setup. The life span of the PC averages between 3-5 years at maximum capacity. Items purchased include the following: Three Dell Personal Computers, Two Dell Tablet Venue, Desktop Refresh, and Labor for installation.
9. **Sector Plan Update:** Five (5) firms responded to the RFP. Two (2) firms were selected to be interviewed. The firms are as follows: Houseal Lavigne and Fregonese Associates. The interviews will take place on March 28, 2014 (Houseal) and April 4, 2014 (Fregonese). Separate interview dates will eliminate any complications associated with teams being in the building together. The interview process will proceed as follows: propose a two-hour meeting for each day with the board of Commissioners. Allow time for brief introduction and discussions, Enter Executive Session for a closed interview, Debrief Interview process, Return to Open Session, Adjournment. Tulsa Development Authority Board Commissioners will take a formal vote on April 10, 2014 to enter into an Agreement.

10. **3104 Homes Project:** Tulsa Development Authority Lot Draw was held on Friday, February 14, 2014. The subject properties have been marketed and advertised on an “as is” basis. Our first priority is to offer these structures to under-served families. Real Estate investors will have an opportunity to submit an offer after all under-served families after potential homeowners have submitted an offer. Contract negotiations will be held for properties as follows: 1719 North Frankfort Avenue, 5913 East Latimer Avenue and 537 East Zion Place. The remaining properties will remain for sale “as-is”.

11. **Tulsa Development Authority’s New Approach to North Tulsa’s Housing Needs:** Tulsa Development Authority has an opportunity to develop thirty-two (32) new single family dwellings in North Tulsa based on the following:

- Lots on Martin Luther King, Jr. Blvd., eleven (11) lots are located east of Martin Luther King, Jr., Blvd between East Seminole Place and East Queen Street;
- Dirty Butter – Heritage Hills Lots – seven (7) lots are located west of Hartford Avenue, between East Seminole Avenue and Virgin Street;
- Ogan’s Circle – fourteen (14) lots are located south of Virgin Street, between the Osage Prairie Trail and Lansing Avenue.

12. **Dirty Butter – Heritage Hills Extension:** On Thursday, February 6, 2014, the City Council reviewed and approved a Resolution declaring that certain real property owned by the City is no longer necessary for public use and/or purpose declaring said property surplus. Tulsa Development Authority will be the agent of record for the sale and disposal of the seven (7) subject properties. The deed to the properties will transfer after closing. Tulsa Development Authority will enforce a list of conditions on each property. The advantage of this process is that it allows Tulsa Development Authority to enforce building restrictions.

13. **National Association of Housing and Redevelopment Officials, Legislative Conference:** The conference was held in Washington, DC, March 9-12, 2014. The purpose for Commissioner Carl Bracy and Executive Director Walker attending this year’s conference was to meet other professionals in the industry. In addition, network with decision-makers from HUD’s
Washington, DC offices. Obtain information on federal discretionary spending affecting housing and community development programs. Visit with federal leaders to obtain more information on the process to apply for Government Bonds that Tulsa Development Authority could utilize for infill development. Obtain new ideas from industry leaders.

14. Property Maintenance Inspector: On March 11, 2014, Commissioner Brady and I met with Jeffrey Miller, Office of the Deputy Mayor for Planning and Economic Development in Washington, D.C. The purpose of the meeting was to discuss work in Tulsa, Oklahoma and how it relates to the mission that is demonstrated in Washington, DC. We also discussed views on the importance of Urban Planning and Development.

Commissioner Roberts moved to accept the Executive Director’s report, seconded by Commissioner Brady. The vote was recorded as follows:

Ayes: Pegues, Brady, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

4. Receive, Discuss and Vote:

a. Discussion, consideration and vote to approve a Resolution accepting City of Tulsa owned properties located west of Hartford Avenue, between east Seminole Avenue and Virgin Street, Tulsa, Oklahoma A/K/A Dirty Butter – Heritage Hills: After discussion, Commissioner Roberts moved to approve Resolution No. 5935, authorizing negotiations for the sale and redevelopment of the Dirty Butter-Heritage Hills Extension Lots located in the vicinity of North Hartford Avenue and East Virgin Street, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Brady, Peters, Mitchell and Roberts
Nays: None

The motion passed unanimously.

b. Discussion, consideration and vote to approve a Resolution to enter into a Redevelopment Agreement with Crossover Community Impact, Inc. for TDA owned property located at 3309 North Lansing Avenue, Tulsa, Oklahoma: After discussion, Commissioner Peters moved to approve Resolution No. 5936, approving negotiations for the donation and conveyance of Tulsa Development Authority owned real property located at 3309 North Lansing Avenue to Crossover Community Impact, Inc., Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Brady, Mitchell, Peters and Roberts
Nays: None
The motion passed unanimously.

c. Discussion, consideration and vote to approve a Resolution to enter into negotiations for sale of TDA owned properties located at the following:
   - 537 E. Zion Place
   - 5913 E. Latimer Place
   - 1719 N. Frankfort Avenue

After discussion, Commissioner Bracy moved to approve Resolution No. 5937, approving negotiations for the sale and conveyance of Tulsa Development Authority owned real property located at 537 E. Zion Place, 5913 E. Latimer Place and 1719 N. Frankfort Avenue, City of Tulsa. Commissioner Roberts seconded the motion. The vote was recorded as follows:

   Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
   Nays: None

The motion passed unanimously.

d. Discussion, consideration and vote to approve a Resolution approving an assignment of mortgage to the City of Tulsa for property located at 1030 North Gary Avenue, Tulsa, Oklahoma, (Vivian June Forsman): After discussion, Commissioner Mitchell moved to approve Resolution No. 5938, approving Tulsa Development Authority assignment of Promissory Note and Mortgage from Vivian June Forsman to City of Tulsa. Commissioner Peters seconded the motion. The vote was recorded as follows:

   Ayes: Pegues, Bracy, Peters Mitchell and Roberts
   Nays: None

The motion passed unanimously.

e. Discussion, consideration and vote to approve a Resolution approving the conceptual rendering and specifications from One Place Hospitality, LLC for hotel project to be constructed on property located on the southeast corner of Third Street and Cheyenne Avenue, Tulsa, Oklahoma: approving a partial assignment of existing redevelopment contract with One Place, LLC and negotiation of new redevelopment contract for One Place Hospitality, LLC project: There was no new information to report. The Board needs clarification from the Developer. No action taken.

f. Discussion, consideration and vote to approve a Resolution of Support for property located one quarter mile north of Pine Street and one-quarter mile east of Peoria Avenue, a/k/a Cherokee Meadow Elderly Rental Development: After discussion, Commissioner Bracy moved to approve Resolution No. 5939, expressing support for Cherokee Meadows Elderly Rental Development Project for property located one quarter mile north of
Pine Street and one quarter mile east of Peoria Avenue, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

g. Discussion, consideration and vote to approve a Resolution authorizing engineering services for the Blue Dome Lighting project not to exceed 180 hours: There was no new information to report. The Board needs clarification. No action taken.

b. Discussion, consideration and vote to approve a Resolution amending previous Resolutions No. 5686 and No. 5704 to authorize additional expenditures from Blue Dome TIF for funding of South Elgin Streetscape project: After discussion, Commissioner Bracy moved to approve Resolution No. 5940, approving an amendment to Tulsa Development Authority Resolution No. 5686 and Resolution No. 5704 to Authorize Additional Funding from the Blue Dome TIF of certain construction improvements for the south Elgin streetscape project. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

5. Executive Session: Discussion, consideration and vote to go into Executive Session as authorized by 25 O.S. §307(b)(4) for confidential communications with TDA General Counsel regarding a pending investigation, claim or action upon determination by the TDA Board of Commissioners, with the advice of its General Counsel, that disclosure will seriously impair the ability of the TDA Board of Commissioners to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and/or 25 O.S. §307(c)(10) for the purpose of conferring on matters pertaining to economic development for which public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business:

a. Confidential communication with Counsel regarding an update on the First Street Lofts project, located one-quarter (¼) mile East of Detroit Avenue, and South of 1st Street, (310 E. First Street) Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]

b. Confidential communication with Counsel regarding Ogan’s Circle development located south of Virgin Street between Osage Prairie Trail
and Lansing Avenue, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]

c. Confidential communication with Counsel regarding a proposed settlement of the litigation regarding Lamar Advertising. [25 O.S. §307(b)(4) and §307(c)(10)]

d. Confidential communication with Counsel regarding a tort claim for Precision Equity Apartments that was acquired as a part of the Kendall-Whittier West Park project. [25 O.S. §307(b)(4) and §307(c)(10)]

e. Confidential communication with Counsel regarding a letter dated February 26, 2014 from Jenks Law, P.L.L.C. for TDA owned property located on the southwest corner of Archer Street and Elgin Avenue, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]

f. Confidential communication with Counsel regarding a letter dated February 26, 2014 from Urban8, LLC to TDA owned property located north of East 3rd Street between Kenosha Avenue and Greenwood Avenue, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]

Commissioner Bracy moved to go into Executive Session at 10:50 a.m., seconded by Commissioner Roberts. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

6. Vote to return to open session.

Commissioner Bracy moved to return to Open Session at 11:34 a.m., seconded by Commissioner Roberts. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

7. Statement of Executive Session: During Executive Session, all Commissioners of the Authority who were present for this meeting were present for the Executive Session. The Authority maintained a quorum. During the Executive Session, the items on the published Agenda were the only items discussed. No votes were taken during the session. This will constitute the minutes of the Executive Session.

8. Discussion, consideration and vote on items discussed in Executive Session:
Items to be placed on the Regular Meeting Agenda:
Executive Session Agenda Items:

5.a. - General Counsel Hartley advised Mr. Michael Sager has given his permission for Tulsa Development Authority to get a new appraisal and cost of completion of the First Street Loft’s, LLC project. After discussion, Commissioner Mitchell moved to approve Executive Director Walker to obtain a new appraisal and cost of completion of the First Street Loft, LLC project, seconded by Commissioner Peters. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

5.b. - After discussion, Commissioner Roberts moved to approve Resolution No. 5941, to direct issuance of Notice of Default pursuant to contract for sale of land for private redevelopment with Redia, Inc. for property platted as Ogan’s Circle subdivision and located south of Virgin Street between Osage Prairie Trail and Lansing Avenue, Tulsa, Oklahoma. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

5.c. After discussion, Commissioner Roberts moved to approve Resolution No. 5942, approving settlement of pending litigation in Case No. CJ-2007-01851, Lamar Advertising v. TDA and City of Tulsa. Commissioner Bracy seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

5.f. After discussion, Commissioner Bracy moved to approve Resolution No. 5943, approving an amendment of Redevelopment Contract and request for additional funding by Tulsa Development Authority for water system costs – Tulsa Urban Development Group (d/b/a Urban8) Project. Commissioner Mitchell seconded the motion. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts
Nays: None

The motion passed unanimously.

9. New Business: None
10. Adjournment: The meeting adjourned at 12:00 p.m.

Commissioner Mitchell moved to adjourn, seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts  
Nays: None

The motion passed unanimously.

Tulsa Development Authority

Approved as to legal form and adequacy:

Julius Pegues, Chairman

Jot Hartley, Esq., General Counsel

[3-13-2014 – Regular Meeting Minutes - (rw-cy-nt-bar-jm)]